

A RESOLUTION

02-*R*-1135

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT
OF \$8,500.00 IN SETTLEMENT OF THE CLAIM OF CANDES
STYLES AGAINST THE CITY OF ATLANTA**

WHEREAS, CANDES STYLES has filed a claim against the City of Atlanta seeking damages arising out of property damages sustained when a City sewer mainline stopped up and raw sewage backed up into her house on January 3, 2002 located at 2189 Bolton Road; and

WHEREAS, the City had notice of problems in the sewer mainline prior to the back up on January 3, 2002; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of **\$12,650.00** but has agreed to accept the sum of **\$8,500.00** in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **CANDES STYLES** be settled for the sum of **\$8,500.00**.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that **\$8,500.00** be paid by the City of Atlanta in satisfaction of any and all claims **CANDES STYLES** may have stemming from damages sustained to her property on or about January 3, 2002 at 2189 Bolton Road.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number **2J01/529017/T31001**.